

**The Need for
Academic Visa Reform
and
Labor Rights
at American Universities**

This report published by GESO

The union of graduate teachers and researchers at Yale University
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Petition for Academic Visa Reform

<http://www.visareform.net>

This petition is sponsored by

National Organizations: AFL-CIO, AAUP, NAGPS, HEREIU, UAW, CGEU

International Student Organizations: ACSSNY, ACSSY, CSSSO, UM-CSSA

Associations of Postdocs or Grad students at: Stanford Univ, Univ. of Georgia

Academic Employee Unions at: Brown, Columbia, Cornell, New School, NYU, Ohio State,
Penn State, Pratt Institute, Rutgers, SUNY, Tufts, University of California, U-Mass, U
Michigan, U Illinois, U Penn, U Washington, U Wisconsin, Yale

As scientific progress becomes increasingly important to the American economy, international scientists and engineers have also become more important. However, many international academic workers, having endured sub-standard working conditions, face even greater difficulties and challenges since September 11, 2001. For example, an American Institute of Physics survey of universities showed that at least 20 percent of foreign students in physics admitted to U.S. schools had problems entering the country last year.¹ As the presidents of the National Academy of Sciences, National Academy of Engineering, and the Institute of Medicine said recently in a joint statement:

Over half a century ago, Albert Einstein, Enrico Fermi, and many others from Western Europe laid the foundations for our global leadership in modern science. More recently, immigrants from other parts of the world — most notably China, India, and Southeast Asia — have joined our research institutions and are now the leaders of universities and technology-based industries ... The U.S. scientific, engineering, and health communities cannot hope to maintain their present position of international leadership if they become isolated from the rest of the world.²

International graduate students and postdocs are a significant presence among the academic workforce in universities and research centers in the U.S. In 2001, almost a third of the graduate students enrolled in science and engineering programs in the U.S. came from abroad.³ But the number of visas granted has sharply declined since 2001. The number of student visas issued by the State Department decreased from 226,465 (1999-2000) to 174,479 (2002-03), according to the department.⁴

Aside from problems associated with obtaining visas, international students and scholars often have to contend with other difficulties when they come to the U.S. on a temporary visa, such as long family separation, financial hardships, or undue worries when they want to stand up for their rights and advocate for their own interests.

VISA DELAYS I

"After five quarters of study in the U.S., I missed my family very much and I returned home to visit my family in December, 2002. The visit was intended to be three weeks long and I planned to continue my study in January 2003.

I applied for renewing my visa at the U.S. Embassy in Beijing. On December 18, 2002, I was informed that my visa application needed some administration processing in Washington, D.C. At first, I was still very hopeful. I thought that, since I was merely an innocent student, the check should be simple and should be finished in no time. However, the Winter Quarter passed, and then the Spring Quarter passed, and I still had no positive news about my visa at all. All the phone calls and faxes to the Embassy and the Visa Service in Washington, D.C., only resulted in one answer: 'Your case is pending. Please wait.'



Yang Wang started his doctoral degree work in the Department of Civil and Environmental Engineering at Stanford University in September 2001

On July 7, 2003, I was informed by a Visa Officer at the Embassy that Washington closed my file without any specific reason and without giving the Embassy the result of the check. The Visa Officer had to re-send my application for another SAO (Security Advisory Opinion). I have since been waiting without having any information about my visa status. I can't believe checking on a person who has been in school for most of his life can take so long. And I can't believe the six-month-long wait was just wasted because they simply closed my file without any specific reason.

The unduly lengthy background check totally disrupted my study and career plans. Although I made good progress toward my PhD degree, I have had to stop my study now. I was supposed to take over an NSF-funded research project from a senior student in my research group before he had to leave Stanford in the summer of 2003. But now the project has to be stopped, and it will be hard to continue to work on it, even after I return, because the senior student, who had done most work on it, has already left and I didn't have the chance to work with him before he left.

The unduly lengthy check also caused chaos in my personal life. My on-campus housing was left unoccupied for months even though I continued to pay the rent. After my housing contract was ended, my roommate had to take care of all my personal belongings and half of his current room is jammed with my stuff. My car hasn't run in months and I don't know if it has become just a large piece of rusted iron. And I have not been able to maintain my car insurance and its annual registration.

Everything was turned into a huge mess because I cannot get back to campus in a reasonable time.

Every day for me is spent in anxious, fidgeting, helpless, and frustrated waiting. I have no clue if I can still have a chance to continue my study and research. I don't even know whether I'll ever have a chance to collect my personal belongings at Stanford. I cannot make any solid plans for my career because of the uncertainty caused by the visa background security check.

I fully understand that, after the devastating 9-11 terrorist attack, the visa background check is a necessary procedure to ensure U.S. security interests. But I feel we are being made the scapegoat for the attack. This is totally unfair! A check system must be efficient to be effective. A system that wastes its resources on innocent students like me would never be able to focus on the true threats to the U.S. and would never serve its security interests well."

See similar stories at the Columbia University Chinese Students and Scholars Association's website [Visa checkee stories](http://www.columbia.edu/cu/cucssa/news/visa/checkee_list.html) (http://www.columbia.edu/cu/cucssa/news/visa/checkee_list.html)

VISA DELAYS II

"My husband, who earned his Ph.D. in his native China, worked as a researcher in France and Sweden before coming to the U.S. to work as a postdoctoral researcher at the Oak Ridge National Laboratory at Oak Ridge Associated Universities (ORAU), Tennessee, at the end of 2000. I came to the U.S. from Sweden with him and am currently a graduate student at the University of Tennessee at Knoxville.

My husband went to Seoul, South Korea, to attend an international academic conference in August 2002. Afterward, he used his annual leave time to go back to China to visit his mother, who was sick at the time. He applied for a return visa at the U.S. Consulate in Shenyang in September 2002, and he has been waiting for his visa ever since.

We had rented an apartment in Oak Ridge with a one-year lease that ran through the end of 2002. We were paying about five hundred dollars a month for everything -- rent, phone, electricity, etc. When I began my graduate study in August, my husband had to drive me to school because I couldn't drive on the highway. It is a forty-minute drive between Oak Ridge and Knoxville. After the first week of classes, he left for the conference in Korea. Since he didn't return to the U.S. immediately, I moved into a shared apartment on campus, paying about two hundred dollars a month, so I could continue with my coursework at the university. And since my husband's return date remained uncertain through the remainder of 2002, we had to keep paying rent for our Oak Ridge place, too. We paid around two-thousand dollars for that apartment but no one lived there."

My husband's visa delay has seriously affected his research work and our life. One year. How many one years does one have in one's life?"



This postdoc cannot return to the U.S. to complete his postdoctoral research. His wife remains in the U.S. as a graduate student. They moved from Europe to the United States in 2000, when he started working as a postdoc and she entered her graduate program. They wish to remain anonymous.

VISA DELAYS III

"This last summer, I went back to China to visit my family. When I tried to go back to school I was told by visa officials at the American Embassy in Beijing that I would have to wait "two to eight weeks" for the results of a background check before I could pick up my visa and re-enter the United States. However, seemingly trivial bureaucratic mistakes made on the part of the embassy, such as smudged fingerprints (required for the background check), turned "two to eight weeks" into "three months," and then into "four months," and finally into "six months or more." By the time I got back, in early April this year, I had missed both the fall and spring semesters of the 2003 academic year.



Chang Tan, is a graduate student at the University of Texas at Austin

The effects of the background check on my life were devastating. Not only did I miss a full year's worth of coursework that was supposed to have ended with an M.A. degree, both my family and I also were rendered penniless by the delay in addressing various financial obligations in the United States. Anger at incommunicative visa officials—combined with frustration at not being allowed to continue my studies in the United States—only exacerbated the damage done to my life. Even if it had truly been completed in "two to eight weeks," the background check would have been burdensome; with the added delays I experienced it was cruel.

When my boyfriend, who was in the US at the time I applied for my visa, learned about my situation he immediately tried to help in whatever way he could. However, even as an American citizen he found there was little recourse to be had. Visa officials at the embassy refused to admit to any wrongdoing even when it was obvious that delays in my case were the result of avoidable human error in the form of smudged fingerprints. After my boyfriend had a letter published in the *New York Times* in October concerning my situation and sent it to the U.S. Ambassador to China, high embassy officials merely replied with general statements about "needs for national security," and refused to do anything for the grievous injustices I suffered. It was only in December, when my fingerprints had been incorrectly taken for the third time, that higher-level officials began to actively work on improving their fingerprint taking skill.

My case illustrates the need for greater transparency in background check operations and greater accountability on the part of the government agencies involved in the background check process. When my boyfriend and I called officials at the INS, FBI, and State Department, they uniformly referred us to other organizations. This sort of blame passing is, unfortunately, a normal part of the government's bureaucratic culture. But it is absolutely unacceptable when it results in overseas students such as myself missing entire academic years and losing thousands of dollars. In order to avoid the disastrous effects of blame passing in background checks, and minimize mistakes made by embassy officials, a Congressional oversight committee for background checks should be formed. In addition, a new agency (within the State Department or within the FBI) should be established to deal solely with questions about and problems with background checks. Finally, the most important officials in the process — embassy workers who take the fingerprints and fill out the forms that go to Washington — should be made more accountable for the mistakes they make. Only if these three things are done will I, and countless other visa students across the country, not have to worry that if I go back home I might never return."

FAMILY SEPARATION

"I haven't been home for one year now. I'm also the only child in my family. Right now, a lot of students are checked for security reasons when they apply for a visa. That process takes too long, sometimes. And in my field, Physics, which is I think kind of sensitive, a lot of people have had their visa applications rejected.

So I feel I can't go back to China now. I wish I could. If I'm checked and cannot come back promptly, I most likely won't get paid by my PI [principal investigator] anymore, even if I would still have to pay my rent and other things here. It would be quite a financial burden. It's not like you can just take a semester or a year off. My project is funded by the Department of Energy, and there are deadlines for all kinds of reports, progress reports. And my advisor might have to take in other students to work on the project.



Qian Wan is a 4th year doctoral candidate in the Physics Department at Yale University

It is not clear what would happen if I were to be forced to stay in China, unable to return to Yale. But the serious problem now is that a lot of people are simply afraid to go home. Even the OISS [Office of International Students and Scholars] tells us, 'Do not go back home.' I feel angry but also helpless. The visa problem is very complicated, but nobody's helping us.

Chinese students here, we have to stay at the same university, to work at the same university to get our degrees. I can't have any interruptions to my academic work and have to finish. At this point, I'd have to go back to China to find work if I quit grad school, but that's not a good choice anymore. I should've gone on the job market in China right after I graduated from my university if I had wanted to get a job in China. It was a difficult decision for me to come to study in the U.S. I could've gotten a good job after I graduated from my university in China. But now, I cannot expect to be competitive if I don't finish my PhD.

But I know some American students have quit grad school to get a job. We can't do that. American students have more freedom in their career plans and lifestyles. They have more choices. If they are unhappy in grad school, they can quit, or take a year off to do something they are interested in. It's impossible for us to do that."

FINANCIAL HARDSHIPS

"I was nervous about coming to graduate school as a parent since not many of us are here. If you're married to an American person, then things are easier. If you are a foreigner, you can only work within the university.

Second of all, your wife, or spouse, can't work as a foreign person. And if you have family, you're faced with many issues like, when I first came here, there wasn't even health insurance provided for me, so I didn't have any.

In some years, I couldn't afford to pay the half of the insurance that Yale doesn't subsidize for my family. Even with the university's help, I have to pay almost \$3,000 a year for health insurance. Obviously I'm below the poverty line. Sometimes I can get a teaching job, get my advisor's approval to teach, and I have to use that money to pay for the health insurance. Sometimes, though, the course is cancelled or my advisor is not going to teach that course, or I don't have a job, and then I simply can't afford health insurance for my family. I enrolled my son in the insurance plan for two and a half years, but we had to take the risk of having my wife not have full health insurance.

There was one semester when I couldn't get coverage for any of them, my son or my wife. I went to the Health Plan once to ask whether I could transfer my coverage to my wife because I'd feel much more comfortable knowing she had coverage. But they said no. I had the feeling that I work all the time, but that if something happens to my child, I cannot afford the medical treatment for him. Finally, I applied for HUSKY [the State of Connecticut's public health insurance program]. The first year I was rejected. Last semester, I finally got it just for my children. During the last year of my Ph.D., my wife got pregnant. That year, I had to pay the health insurance because, obviously, she had to see the doctor here.

Right now the situation is, I finished the program, she's not covered, my two children are covered by the HUSKY plan for the first time."

Oswaldo Driollet, from Argentina [no photo available], was in Yale's Electrical Engineering Ph.D. program from 1997-2003. He had to support his family of four on an income of \$20,000 a year, as his wife, also from Argentina, was here on a family dependent visa and hence could not work. His family also lacked adequate health insurance.

STANDING UP I

"When I was diagnosed with cancer, being an international student, I wasn't so familiar with the health insurance system. I didn't know what rights I had and how the system works. Also, I wasn't clear how the university's funding would work. I am funded by a research assistant scholarship, but I didn't know how the system would work when a student got sick. I was concerned that I would lose my funding and healthcare.

I tried to keep doing my research work while undergoing treatment. During the treatment, I was weak, but you can still try to do some work when you're weak. But chemotherapy was very bad for my health, and I couldn't keep up the work. I wanted to go back to China for one year for treatment, but I was worried that I might lose my university stipend, salary, if I went back.

I did not want to keep working. But I didn't talk to my advisor about it. I just could not speak up like that, because I thought I was just supposed to work. My advisor understood my situation and tried to find me some minor things to do. But I was too shy to ask for full rest as I was worried about securing funding from the university.

And I was getting worried about the quality of care I was receiving. My friends told me there was a very good doctor at the Yale-New Haven Hospital. I thought I would be able to transfer from the Yale Health Plan to the Yale New-Haven Hospital. I tried to talk to the Health Plan. They said I could transfer to the other oncologist at the Health Plan first. I thought there was nothing I could do. But my friends, members of GESO [the union of graduate teachers and researchers at Yale], came to my help, and I was able to meet with the Director of the Health Plan.

GESO helped me understand how the system works. They helped me get meetings with administrators who could actually make decisions. And they brought many other graduate students to support me. I don't know what I would have done if GESO had not helped me.

I've been a member of GESO for several years now. It's been a good experience for me. GESO members are very good people and they care about other people, about me. When I was sick, I got a lot of help from GESO members. And I participated in the strike [in March, 2003]. It was tough. I want to work with other GESO members to win benefits for graduate students. But I was pressured to continue to work. In the end, I chose to strike because I thought it was more important to win recognition from the University. It was worth it."

This Yale graduate student was diagnosed with cancer two years ago. Concerned about funding from the university, he tried to continue to work in the lab while undergoing treatment. He wishes to remain anonymous.

STANDING UP II

"One morning last September, I was handing out information on the strike vote at one of the main entrances of the Yale Medical School complex with some other Yale union organizers. Then the chief of the Yale-New Haven Hospital police came up to us after a few minutes, saying that we cannot be there. We expressed that we were only handing out information. They said that it is the hospital's policy. He asked the other officer to take down all of our names, and then he said that we could be arrested right away. David Sanders, one of the other organizers, asked, "don't we get any warnings?" The chief said, "we know that you know that you are not supposed to be here." And then he went inside to make some phone calls, leaving the other officer to watch us.

The situation left us no choices at all. I was about to be arrested, without any direct warning, for handing out leaflets on the sidewalk, which could potentially cause me to lose my student status and be deported. We stood where we were. The officer said to us then, "Why would you risk a criminal offence like this when the union tells you to? The union leaders always send people like you and are never here themselves." David said, "Well, I AM the union leader here." Moments later, the chief came out and said that they were not going to arrest us that day, adding that they now have our names on file and that if we ever showed up there again, we would be arrested without any warning.

Later that week, two other graduate students and six Medical School staff were arrested and charged with criminal trespassing, which carries a maximum sentence of one year in jail.

A few months later, GESO held a union election in April, 2003. The week before the election, another organizer and I put up GESO petition posters all over Bass building of MB&B Department. The posters had the names and signatures of 1,100 graduate students who supported the union. That Sunday, we found the charred remains of two burned posters posted back on the bulletin board on the third floor, where most of the MB&B labs are.

After several attempts to get the central administration to respond to this incident, we were told to contact the Yale campus police instead. We did so, and the Yale police put up a notice asking anyone with information about the incident to contact them. But, ultimately, nothing was done.

I was shocked by this violent act. I raised the issue at the department Town Meeting. My name and the name of fourteen other members in my department were burned. But one student got up to say that people had the freedom to burn posters like this, since people even burn the American flag. None of the faculty members present said anything. A faculty member even told me after the Town Meeting, on Tuesday, that I should rise above it. This attitude can have profound impact. For instance, one of the members in my department whose name is on the public petition ended up not voting in the election despite his commitment to vote the week before!

They threatened to arrest me for handing out leaflets outside the Medical School, but they did almost nothing when someone burned our names off a poster on a campus bulletin board. What's happened to academic freedom?"



Naomi Huang, is a graduate student in Biology at Yale and a volunteer organizer for GESO, the union for graduate teachers and researchers at Yale.

National Petition for Academic Visa Reform

www.visareform.net

Thousands of people have signed the following petition to support international academics who have faced difficulties like the ones you read above. The petition urges the U.S. government to implement effective reforms to the current visa application system and calls on American university presidents to take steps to ensure international students and scholars are fully supported as valuable members of their communities.

Petition to:

President George W. Bush
Secretary of State Colin Powell
Secretary of Homeland Security Tom Ridge
U.S. Congress
University Presidents

Since September 11, 2001, tightening visa restrictions, lengthy security checks, special registrations, and other national policy changes have created an increasingly inhospitable climate for international students, post-doctoral scholars, and other academics studying and working in the United States. Such students and scholars often find it difficult to:

- attend academic conferences necessary for advancing their research and professional development;
- visit family at home and have family members visit here, leading to long periods of separation from parents, spouses, and children;
- continue their studies and research without lengthy interruptions, or the threat of lengthy interruptions, due to delays in the security-check process;
- advocate, either individually or collectively, for their own interests - such as fair wages, benefits, and access to teaching and research positions - in a way that might create disagreement or conflict with university authorities;
- feel welcome as full and equal members of the academic community in the United States.

While recognizing the paramount importance of homeland security concerns, we, the undersigned, believe that international students, post-doctoral scholars, and other academics should be better recognized and rewarded for their vital contribution to the intellectual and economic life of the United States; that the research and teaching interests of U.S. universities would be best served by eliminating the unnecessary delays and fears caused by many current visa policies and procedures; and that a fair and welcoming environment for the increasing number of international students, post-doctoral scholars, and other academics in the United States is vital to the protection of academic freedom for all teachers and researchers at U.S. universities and of this nation's status as the center of academic research and teaching internationally.

With that in mind, we call upon the addressees of this petition to:

- create a more efficient and streamlined security-check process;
- investigate the feasibility and desirability of offering longer-term re-entry visas and multiple-entry visas for scholars from China and other areas who do not currently enjoy such privileges;
- create additional provisions that would allow international students, post-doctoral scholars, and other academics to change their visa status or renew their visas without leaving the country;
- create a fair appeals process for people who have been denied visas; and
- hold congressional hearings to inform possible legislative changes.

In the meantime, we call upon University Presidents to:

- collectively lobby the U.S. government for the changes described above;
- make clear public statements and engage in other efforts to educate the general public on the value that international students, post-doctoral scholars, and other academics bring to the intellectual and economic life of the United States;
- protect international students' right to exercise their rights to freedom of speech and freedom of association and make clear public statements about these rights;
- waive the SEVIS fee or any other cost to international students for their own surveillance;
- create ways to share the financial and other burdens caused to international students, post-doctoral scholars, other academics, and their laboratories by extended security checks and travel difficulties generally; and
- increase support for ESL training, housing subsidies, dependent health-care and other programs meant to create a secure and supportive environment for international graduate students and scholars working in the United States.

Sincerely,

Signed by **over 4000 academics** (as of September 28, 2003), and counting ...

To view all signatures, go to:

<http://www.petitiononline.com/visa2003/>

For more information about this petition, visit:

<http://www.visareform.net>

Endnotes

¹ Paul Elias, "Rules affect sensitive work," September 15, 2003, AP. Available at http://www.southbendtribune.com/stories/2003/09/15/business.20030915-sbt-MARS-B6-Rules_affect_sensiti.sto

² Statement by Bruce Alberts (President, National Academy of Sciences), Wm. A. Wulf (President, National Academy of Engineering), and Harvey Fineburg (President, Institute of Medicine). *Current Visa Restrictions Interfere with U.S. Science and Engineering Contributions to Important National Needs*. December 13, 2002. Available: <http://www4.nationalacademies.org/news.nsf/isbn/s12132002>.

³ National Science Foundation, *InfoBrief* (NSF 03-315), April, 2003. Available online at <http://www.nsf.gov/sbe/srs/infbrief/nsf03315/start.htm>.

⁴ Christian H. Thomas, "Group petition to relax student visa rules," *The Daily Texan*, September 14, 2003. Available at <http://www.dailytexanonline.com/main.cfm?include=detail&storyid=465345>.